



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/797,801

03/09/2004

Jeffrey D. Mullen

JDM/004

4497

32733

7590

07/10/2007

JEFFREY D. MULLEN

350 WEST 43RD ST., APT. 5H

NEW YORK, NY 10036

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,801

Applicant(s)

MULLEN, JEFFREY D.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 14 are rejected under 35 U.S.C 102(b) as being anticipated by Kita (US PAT: 6,263,218).

Regarding claim 1, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attaches to the cellular telephone (21, fig. 1) that provides communication signals indicative of an incoming call, and a remote communication device (26/27, figs. 1, 10) configured to receive the communication signals, wherein the communication device is configured to provide notification signals to a user dependent upon received communication signals (col. 3, line 66 – col. 4, line 65).

Regarding claims 2-9, Kita further teaches the following: remote communication device (27, figs. 1, 10) includes an amplifier (122, fig. 10) and a speaker (133, fig. 10), wherein the notification signals are audible notifications, remote communication device includes a vibrating device (131, fig. 10) and a source of electrical energy (see Vcc on fig. 10), wherein notification signal are vibrational notifications (col. 10 lines 12-60), remote communication device includes a light emitting device (225, fig. 24) and a source of electrical energy (not shown), wherein notification signals are light-emitted

Art Unit: 2614

notifications (col. 20, line 65 – col. 21, line 8), remote communication device includes a display device (142, fig. 10) and source of electrical energy, wherein the notification signals are text notifications (col. 27 lines 26-34), sensing device (24, figs. 1, 12A/12B) is an autonomous device, sensing device directly communicate with cellular phone (21, fig. 1) to determine when the incoming call occurs (col. 4 lines 16-35 and fig. 8), sensing device (24, fig. 1) and remote communication device (26/27, fig. 1) wirelessly communicate as shown in fig. 1, wireless communication is a one way communication from the sensing device (24, fig. 1) to the remote communication device (26/27, fig. 1).

Regarding claim 14, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attached to the cellular phone (21, figs. 1, 3) that provides communication signals indicative of an incoming call, and a remote communication device (26/27, fig. 1) configured to receive the communication signals (col. 3, line 64 – col. 4, line 64), wherein the communication device is configured to provide notification signals that are only light based and the notification signals are dependent upon the received communication signals (col. 20, line 65 – col. 21, line 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Higuchi et al. (US PAT: 6,697,647, filed 2-22-2001, hereinafter Higuchi).

Kita differs from claim 10 in that he does not specifically teach: wireless communication is a two-way communication between the sensing device and the remote communication device.

However, Higuchi discloses cellular mobile telephone apparatus and alarm device therefor which teaches: wireless communication is a two-way communication between the sensing device and the remote communication device (fig. 7, col. 10 lines 16-41).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: wireless communication is a two-way communication between the sensing device and the remote communication device as this arrangement would facilitate the user to send a message to the caller that he cannot presently take the call because of his circumstances as taught by Higuchi.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa (JP2001086202A).

Kita differs from claims 11-13 in that he does not specifically teach: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device.

However, Togawa discloses ear microphone assembly which teaches: sensing device (6, fig. 1) and the remote communication device (3, fig. 1) communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device (see abstract).

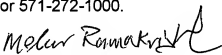
Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device as this arrangement would provide wire-based communication between the portable telephone and remote communication device as taught by Togawa, thus providing another way of interfacing the devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614